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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,306	03/07/2000	Michael A. Kepler	1631077-0025	9605

7590

01/13/2004

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

2642

PAPER NUMBER

DATE MAILED: 01/13/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/520,306

**Applicant(s)**

KEPLER ET AL.

**Examiner**

Hector A. Agdeppa

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 63-66, 68-78 and 80-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-66, 68-78 and 80-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 10/17/03. Claims 62 – 66, 68 – 78, and 80 - 86 are now pending in the present application. **This action is made final.**

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 63 – 66, 68 – 78, and 80 - 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat (5,948,040) DeLorme et al. in view of US Pat 6,134,530 (Bunting et al.)

As to claims 63 and 75, DeLorme et al. teaches that a user could use the system of via a wireless communications unit (WCU 907), wherein as soon as communication is established with the system, information such as a wireless telephone number from the WCU read as the claimed communication device is passed on to the system for billing purposes or simply for identifying who and where the user is located so that appropriate actions can be taken. (Col. 74, line 45 – Col. 78, line 21) If for billing, it is inherent that there will be a billing record and to associate that record with the proper user, the identification information from the WCU will be incorporated into the record.

Because DeLorme et al. teaches that information from a traveling user regarding a reservation or ticket, etc. can be communicated to a restaurant for example, it is inherent that a directory assistance service of sorts or some database/directory would

have to be accessed so the system could obtain a number or address to where the information will be sent. (Col. 78, lines 1 – 21)

It is even contemplated by the flexibility of DeLorme et al. as discussed above that a user could be using a telephone to call an agent that has access to the system and to get a ticket to the user, for example, the agent would have to output the ticket to another device besides a telephone such as a computer so that the ticket could be printed out. Such an operation would also read on the instant invention as claimed.

As to claims 64 – 66, 68 – 71, 76 – 78, 80, 81, 82, and 83, the system and method taught by DeLorme et al. is one wherein a user, an agent, a concierge, or some type of third-party provider can access the system of DeLorme et al. to schedule, preview, and/or plan trips and events and receive/offer map information, reservation/confirmation tickets for events, air travel, restaurants, goods or most any other type of service. The above information is presented to a user or customer of the agent/concierge via Internet, facsimile, paper hardcopy, mobile phone, wireline phone, or most any other electronic means, whether portable (pager/PDA, etc.) or not. (Col. 13, line 30 – Col. 16, line 31). Furthermore, DeLorme et al. teach a directory database for available products, sources, and/or services which may be offered. Also, the system of DeLorme et al. contemplates use for those traveling for example and therefore, it is seen throughout the description that all goods and services are particular to the region where the user will be staying or traveling to or requires information on, etc. The invention of DeLorme et al. also provides many available services and goods to a user or customer by providing suggestions or recommendations. Lastly, the invention of

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DeLorme et al. teach the use of electronic tickets for the aforementioned goods and services such as restaurant, hotel, and/or airline reservations, event tickets, etc. that may be sent to or printed out by a user or customer or sent to the desired restaurant, hotel, event holder, etc. (Col. 17, line 1 – Col. 22, line 37, Col. 33, line 53 – Col. 34, line 56, Col. 50, lines 27 – 67).

As to claims 72 and 84, DeLorme does not teach providing information regarding a past request or usage of the system. However, as already discussed above, DeLorme contemplates using the system in a call center environment wherein agents use the system to serve a customer. Bunting et al. teach a routing system and method for sales and service centers that allow a previous customer to speak to the same agent he/she spoke to previously. This allows for better service to the customer in terms of familiarity with the customer on the part of the agent regarding the customer's preference(s), previous sales, etc. (Col. 11, lines 4 – 65 of Bunting et al.) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented such a feature in the invention of DeLorme et al. inasmuch as such a feature is old and well known and a highly desirable feature to have in a call center environment. The motivation, as already discussed, is better and more efficiently being able to service a customer.

As to claims 73, 74, 85, and 86, as discussed above, it is contemplated that a user or customer would use the invention of DeLorme et al. via some agent in a call center. Voice servers, interactive voice response (IVRs) features are almost standard in any call center. Furthermore, most automated services employ the use of some type of

voice server acting as an operator. One need only pick up a standard telephone with voice mail service to experience this feature and so even if it can be argued that such is not contemplated by the invention of DeLorme et al., it would certainly be obvious for one skilled in the art to include such a feature therein. Also, DeLorme et al. in Col 14, lines 48 – 52 teach that his invention may be implemented as an automated agent or in Col. 14, line 66 – 13, as a kiosk or any number of automated embodiments.

Furthermore, "connecting the communication call to the information assistance service after the request is fulfilled" is simply returning a caller to a main menu for example and is again obvious if not inherent in the invention of DeLorme et al. as already discussed.

### ***Response to Arguments***

3. Applicant's arguments filed 10/17/03 have been fully considered but they are not persuasive.

Applicant's arguments have been addressed in the above rejection.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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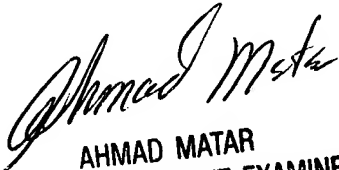
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
January 9, 2004

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600